

### **REMARKS**

In the Action, claims 1-12, 16-18 and 20 are rejected, and claims 13-15 and 19 are allowed. In response, claims 1, 2, 4, 17 and 18 are amended, and claims 21-23 are added. The pending claims in this application are claims 1-23, with claims 1, 2 and 13 being independent. In view of these amendments and the following comments, reconsideration and allowance are requested.

New claim 21 is added to depend from claim 1 and recites a pharmaceutical, nutraceutical, dietetic or cosmetic composition including a compound of claim 1 in an effective amount to provide an antioxidant effect to a patient in need thereof. Claim 20 depends from claim 2 and recites that the compositions are useful for the treatment of vascular diseases and neuropathies. Claim 23 depends from claim 2 and recites that the compositions are useful for treatment of diabetic peripheral neuropathy. These claims are supported by the specification as originally filed.

### **Rejection Under 35 U.S.C. § 112, First Paragraph**

Claims 1-12 and 20 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Action suggests that the claims include subject matter which is not described in the specification in a way to enable one skilled in the art to make and/or use the invention. In particular, the Action suggests that the specification does not provide adequate guidance to allow one to prepare the composition. Independent claims 1 and 2 are amended to recite the method of preparing the composition by adding a compound of the recited formula to a carrier or vehicle to form the composition. Therefore, the claims recite proper method steps for preparing the composition. The specification on page 9 discloses that the compositions can be administered in the form of tablets, pastilles and capsules, including vehicles and/or excipients that are pharmaceutically

acceptable. Thus, one skilled in the art would know how to make a suitable tablet, capsule or other form for administering the composition. The absence of a specific working example for producing a table or capsule does not make the specification non-enabling to one of ordinary skill in the art. One skilled in the art is able to practice the invention without a working Example.

The claims are directed to a method of preparing the compositions and are not specifically directed to a method of treatment. The specification clearly discloses the utility of the resulting compositions. The specification is not required to produce examples directed to the treatment or prevention of a clinical condition using the composition since the claims are directed to a method of preparing a composition.

Claims 2 and 3 are rejected as allegedly failing to provide enablement for treating all peripheral neuropathies or vascular diseases. As noted above, the claims are directed to a method of preparing a composition. Accordingly, Applicant respectfully submits that the specification is not required to demonstrate the effectiveness of the treatment of all diseases.

In view of the amendments and the above comments, the claims are submitted to be enabled by the specification as originally filed.

#### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-12, 16-18 and 20 are rejected as being indefinite for failing to point out and distinctly claim the invention. As noted above, independent claims 1 and 2 are amended to recite the step of adding the compound defined by the formula of the claims to a carrier or vehicle to form the composition. Accordingly, these amendments are submitted to properly define the invention.

Claim 17 is indicated as being indefinite by reciting the reference to the corresponding primary alcohols and alkyl esters. Claim 17 is amended to specifically recite

the primary alcohols of the identified compounds and the specific alkyl esters of the acids. The amendments to claim 17 are submitted to obviate this rejection.

Claim 9 is rejected as being indefinite for reciting the limitation " $R_2 = R_1-X$ ". Claim 9 is amended to recite that the compound R-X has the general formula  $R_2 = R_1-X$  to overcome this rejection.

Claim 16 is amended to depend from claim 13 to properly depend from the compound claim.

Independent claims 1 and 2 are amended to recite the process steps of forming the composition by adding the compound to a vehicle or carrier. Claim 4 is amended to delete the language considered objectionable.

In view of these amendments, the claims are submitted to be in proper form under 35 U.S.C. § 112, second paragraph.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 60-218328. JP '328 is cited for disclosing a compound where R contains 24 carbons and X is a carboxylic acid group.

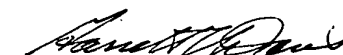
JP '328 discloses the compounds for use as an additive, and particularly a thickening agent of glycerine, solid fatty acids and dibasic acids. The thickening agents are added in an amount to increase the hardness of the gel. Claim 1 is amended to clarify the invention and to define the formula R-X where R is an unsaturated hydrocarbon having 23 to 35 carbon atoms. JP '328 does not disclose or suggest the compounds within the scope of claims 1 or 8.

Claims 21-23 are also allowable as depending from an allowable base claim and for reciting additional features of the invention. For example, claim 21 depends from claim 1 to recite that the composition includes the compound of claim 1 in an effective amount to

provide an antioxidant effect. Claim 22 depends from claim 2 to recite that the compositions are useful for the treatment of vascular diseases, while claim 23 depends from claim 2 to recite the compositions are useful for the treatment of diabetic peripheral neuropathy.

In view of these amendments and the above comments, the claims are submitted to be in condition for allowance. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,



Garrett V. Davis  
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

Dated: May 15, 2006